

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BONA FIDE CONGLOMERATE, INC.,
v.
SOURCEAMERICA, et al. ,
Defendants.

Case No.: 14cv751-GPC (DHB)

**ORDER DENYING PLAINTIFF'S EX
PARTE REQUEST FOR A
CLARIFICATION OF PROTECTIVE
ORDER**

[ECF No. 348]

On October 4, 2016, the Court issued an Order Granting in Part and Denying in Part Defendant SourceAmerica's *Ex Parte* Application for Protective Order. (ECF No. 346.) The Court issued a Protective Order that permitted Plaintiff's current local counsel (consisting of three attorneys from the law firm Wright, L'Estrage & Ergasto), as well as "[t]he attorney designated lead counsel for the appeal," to have access to SourceAmerica's privileged information for purposes of appealing Judge Curiel's August 16, 2016 disqualification order. (*Id.* at 5-6.) The Court intended the Protective Order to permit only *one* additional appellate lawyer to use the privileged information. Plaintiff now requests the Court modify the Protective Order to permit three appellate attorneys from the law firm Cooper, White, & Cooper LLP to use the privileged information. SourceAmerica opposes the request.

1 Plaintiff has not explained why it is necessary for two additional lawyers to have
2 access to the information. The Court finds that giving Plaintiff's current local counsel and
3 one appellate specialist access to the privileged information strikes the appropriate balance
4 between ensuring Plaintiff has an opportunity to file a meaningful appeal, while restricting
5 the dissemination and use of SourceAmerica's privileged information to no more
6 individuals than are necessary. Accordingly, Plaintiff's *Ex Parte* Request for Clarification
7 of Protective Order is **DENIED**. Plaintiff shall file a declaration in accordance with
8 Paragraph 3 of the October 4, 2016 Protective Order (ECF No. 346 at 5-6) indicating which
9 one of the three identified attorneys from the law firm Cooper, White, & Cooper LLP has
10 been selected as lead counsel. Only that attorney may use the privileged information as set
11 forth in the Protective Order

12 IT IS SO ORDERED.

13 Dated: October 19, 2016

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15 for DAVID H. BARTICK
16 United States Magistrate Judge
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